

**MINUTES OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE**

August 9, 1999 - 9:00 a.m. - Room 305 State Capitol

Members Present:

Sen. Howard A. Stephenson, Cochair
Rep. David Ure, Cochair
Sen. Mike Dmitrich
Sen. Alma "Al" Mansell
Sen. Eddie "Ed" P. Mayne
Sen. Howard C. Nielson
Rep. Judy Ann Buffmire
Rep. James R. Gowans
Rep. Martin R. Stephens
Rep. John E. Swallow

Staff Present:

Mr. Arthur L. Hunsaker,
Research Analyst
Ms. Esther D. Chelsea-McCarty,
Associate General Counsel
Ms. Cassandra Bauman,
Legislative Secretary

Note: A list of others present and copies of materials distributed in the meeting are on file in the Office of Legislative Research and General Counsel.

1. Call to Order and Approval of Minutes of Meeting Held July 13, 1999 -Chair Ure called the meeting to order at 9:06 a.m.

MOTION: Chair Ure moved to approve the minutes of the July13, 1999 meeting. The motion passed unanimously with Representative Swallow absent.

2. Need for Rules Governing Concealed Firearm Permit Renewal Process -- Chair Ure read a letter written by the committee to Stuart G. Smith, director, Bureau of Criminal Identification (BCI), expressing its concerns with the agency's decision to stop sending renewal notices to permit holders and the lack of rules governing the renewal process.

Ms. Joyce Carter, BCI Section Supervisor, said lack of manpower and funds led to the decision to no longer send the notices. The bureau has been trying to make renewal applications available through other means. She added that the bureau has received very few complaints.

Chair Ure explained that he has received complaints. He asked whether the extended permit duration and the increased permit fee approved in the 1999 General Session helped address the manpower and money shortage.

Ms. Carter stated that the new fee did not go into effect until July 1999. Mr. Bruce Brown, BCI Manager, explained that the fee was not a dedicated credit towards the renewal process; the money is not credited to the department, but goes into the general fund.

Chair Ure explained that BCI needs a rule governing the renewal process.

Ms. Carter reviewed statistics on renewal applications since 1991, emphasizing the significant increase during the past year. She emphasized that the letter which used to be sent reminded permit holders that renewing was their responsibility. A draft rule was distributed entitled, "R724-4 Concealed Firearm Permit Rule."

Rep. Stephens asked about the decision to stop sending the notices. Ms. Carter said it began last February with her concerns regarding manpower and expense, and she passed her concerns on to Mr. Brown. Rep. Swallow asked about the cost of sending out renewal notices. Ms. Carter approximated \$350 per week for salary plus the supplies. Rep. Buffmire asked if staff had been increased at the bureau since 1991. Ms. Carter explained that there had been no increase.

Sen. Mansell said there are two choices: give BCI the money they need to send the renewal letters or allow the letters to be stopped. He suggested a one-time mailing to permit holders affirming that they are responsible for renewal and that no further renewal notification would be sent.

Rep. Buffmire commented that the committee's charge is to determine whether bureau rules comply with statute. Sen. Mansell suggested the group come back in 60 days with a plan of action, including a response to committee concerns.

3. Need for Rules Governing the Division of Comprehensive Emergency

Management – Sen. Nielson expressed concern with the state's process for determining the use of emergency funds. He contrasted the quick action taken to mitigate the Riverdale flood with the slow action regarding the insect infestation suffered by many of his constituents whose crops are being destroyed, with worse problems to come next year if action isn't taken.

Mr. Earl Morris, Director, Division of Comprehensive Emergency Management, described his agency's role in an emergency and the state funding available in emergency situations. The discussion focused on the mechanism for getting the needed funding to mitigate insect infestation, the timing of the help provided, and the process of getting state or federal funds. Ferris Groll, Deputy Commissioner, Department of Public Safety, said the division must work within the statutory authority it is given, and that the issues raised are beyond the department's statutory responsibility. Usually the Department of Agriculture would handle insect infestation issues, but the division could step in at the request of the governor or the legislature. Rep. Ure suggested there should be rule-making to help the process next time. Rep. Swallow said there could be rules drafted to help trigger a mechanism in rule to address these problems.

MOTION: Rep. Buffmire moved that a rule be drafted detailing how the legislature accesses public safety and that the Department of Agriculture come to a future meeting to discuss their role in the process. The motion was withdrawn.

MOTION: Rep. Buffmire moved that the Division of Comprehensive Emergency Management come back in 60 days with a response to committee concerns and that the Department of Agriculture be scheduled to appear at the next committee meeting. The motion was withdrawn.

MOTION: Rep. Buffmire moved that a letter be sent to the Legislative Management Committee to express concern with the process of emergency fund disbursement and the need for funding to deal with next year's infestation, and that staff report in the next meeting regarding the role of the Department of Agriculture in the emergency fund process. The motion passed unanimously with Rep. Stephens and Sen. Mansell absent for the vote.

Mr. Hunsaker suggested that the division draft rules related to Section 53-2-105 governing its authority to retrieve funds from those determined responsible for causing an emergency situation.

4. Committee Member Report: Issues from Reading Assignments - Chair Stephenson directed staff to find out from the Tax Commission how there could be no fiscal impact on R884-24P-27, published in the August 1 Utah State Bulletin.

5. Committee Business - Rep. Ure urged committee members to bring issues before the committee so that they can be discussed and potentially placed on a future agenda.

Sen. Stephenson said the committee can provide a forum for issues that the committee may choose to refer to other committees, or that individual members may want to sponsor as legislation.

The next meeting was scheduled for Wednesday, August 25.

6. Adjourn - The Chair adjourned the meeting at 11:15 a.m.

